

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DAVID ALBERT BELLON,

Plaintiff,

v.

Case Number 06-10078-BC
Honorable David M. Lawson

UNITED STATES GOVERNMENT,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION, OVERRULING PLAINTIFF'S OBJECTIONS,
AND DISMISSING CASE WITH PREJUDICE**

This matter is before the Court on the plaintiff's objections to a report issued by Magistrate Judge Charles E. Binder on March 28, 2006, recommending that the Court *sua sponte* dismiss the case because he found it to be frivolous. The magistrate judge reviewed the complaint pursuant to 28 U.S.C. § 1915(e), which requires the Court to screen all civil complaints filed *in forma pauperis*. If a complaint lacks an arguable basis in either fact or law, the Court must dismiss it as frivolous. *Baxter v. Rose*, 305 F3d 486, 488 (6th Cir. 2002). The magistrate judge concluded that the complaint was frivolous because it sought dissolution of the plaintiff's social security account and liability associated therewith because he is a natural born citizen of the Michigan State Republic beyond the reach of the federal government.

The plaintiff objects to the recommendation that his case be dismissed. He reiterates his belief that he is only a citizen of Michigan and not the United States. He cautions the Court to obey the original jurisdiction and law of this land and grant him what he describes as his birth rights. Citing to the Old Testament, the plaintiff warns that if the Court does not dissolve his two social security accounts, the curses of heaven will be brought down upon it.

The Court agrees with the magistrate judge that the plaintiff's complaint must be dismissed because it lacks an arguable basis in fact or law. As the magistrate judge noted, the Sixth Circuit has rejected the argument that a United States-born individual is solely a citizen of the state in which he was born. *See United States v. Mundt*, 29 F.3d 233, 237 (6th Cir. 1994) (rejecting the argument that the plaintiff was "solely a resident of the state of Michigan and not a resident of any 'federal zone' and therefore not subject to federal income tax laws" as "completely without merit and patently frivolous"). The plaintiff does not explain how the magistrate erred in determining that the case was frivolous. Although the plaintiff is resident of Michigan, he also is a citizen of the United States. Therefore, the Court will overrule the plaintiff's objections and dismiss the case with prejudice.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation is **ADOPTED**, the plaintiff's objections [dkt #8] are **OVERRULED**, and the complaint is **DISMISSED WITH PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: April 27, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 27, 2006.

s/Tracy A. Jacobs
TRACY A. JACOBS